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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

19 BRUCE GREENFIELD, JOHNNY TRUJILLO,
20 individually and on behalf of all those similarly
21 situated,

22 Plaintiffs,
23 vs.

24 PROGRESSIVE ADVANCED INSURANCE
25 COMPANY, PROGRESSIVE CASUALTY
INSURANCE COMPANY, PROGRESSIVE
CLASSIC INSURANCE COMPANY,
PROGRESSIVE COMMERCIAL CASUALTY
COMPANY, PROGRESSIVE DIRECT
INSURANCE COMPANY, PROGRESSIVE MAX
INSURANCE COMPANY, PROGRESSIVE
NORTHERN INSURANCE COMPANY,
PROGRESSIVE NORTHWESTERN
INSURANCE COMPANY, PROGRESSIVE
PREFERRED INSURANCE COMPANY, and
DOES 1 through 10,

26 Defendants.

Case No.: 2:21-cv-00571-RFB-BNW

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STIPULATION AND PROPOSED
ORDER EXTENDING
DEADLINE FOR PLAINTIFFS
TO FILE AMENDED
COMPLAINT

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1 **STIPULATION AND PROPOSED ORDER EXTENDING DEADLINE FOR**
2 **PLAINTIFFS TO FILE AMENDED COMPLAINT**

3 Plaintiffs BRUCE GREENFIELD and JOHNNY TRUJILLO, by and through their
4 counsel of record, Robert T. Eglet, Esq., Tracy A. Eglet, Esq., and Danielle C. Miller, Esq. of the
5 law firm EGLET ADAMS and Matthew L. Sharp, Esq. of the law firm MATTHEW L. SHARP,
6 LTD., and Defendants PROGRESSIVE DIRECT INSURANCE COMPANY, and
7 PROGRESSIVE NORTHERN INSURANCE COMPANY (collectively, “Progressive”), by and
8 through their counsel of record, D. Lee Roberts, Esq. and Ryan T. Gormley, Esq. of the law firm
9 WEINBERG, WHEELER, HEDGES, GUNN & DIAL, LLC, for good cause shown, hereby
9 stipulate and agree as follows:

10 1. Plaintiffs filed their Complaint in the Eighth Judicial District Court for Clark
11 County, Nevada, Case No. A-21-829908-B. Progressive removed this action to this Court on
12 April 7, 2021.

13 2. Progressive filed their Motion to Dismiss on May 28, 2021 [ECF No. 21].

14 3. Plaintiffs filed their Response to Progressive’s Motion on June 28, 2021 [ECF No.
15 22].

16 4. Progressive filed a Reply in support of the Motion on July 16, 2021 [ECF No. 26].

17 5. That on February 9, 2021, the Honorable Richard F. Boulware, II heard
18 Progressive’s Motion to Dismiss and dismissed with prejudice all claims except the breach of
19 implied covenant of good faith and fair dealing claim, tortious bad faith claim, and the Deceptive
20 Trade Practices Act claim, which were dismissed without prejudice. The Court granted Plaintiffs
21 leave to file an Amended Complaint with respect to Plaintiffs’ claims that were dismissed without
22 prejudice on or before Friday, March 11, 2022 [ECF No. 28].

23 6. Because the claims that were dismissed without prejudice must be pled with
24 particularity, Plaintiffs need additional time to review Plaintiffs’ e-mail correspondence, records,
25 and bank statements going back at least two (2) years, to the beginning of the COVID-19
26 pandemic. Given how much time has passed and given the burden of pleading Plaintiffs’ claims
27 with particularity, Plaintiffs need additional time to thoroughly review their records to obtain this
28 information. Plaintiffs will also have to request some of this information from third parties, which

1 may take additional time.

2 7. Thus, the Parties hereby stipulate that Plaintiffs shall have an additional sixty (60)
3 days to file an Amended Complaint.

4 8. That Plaintiffs' Amended Complaint shall be due on or before May 11, 2022.

5 9. That Progressive shall have an extension of thirty (30) days to file a Motion to
6 Dismiss Plaintiffs' Amended Complaint.

7 10. The Parties agree that discovery remains stayed pending Plaintiffs filing an
8 Amended Complaint and resolution of Defendant's anticipated Motion to Dismiss Plaintiffs'
9 Amended Complaint.

10 11. In this District, requests to stay discovery may be granted when: (1) the pending
11 motion is potentially dispositive; (2) the potentially dispositive motion can be decided without
12 additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the
13 potentially dispositive motion. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011).

14 In doing so, the court must consider whether the pending motion is potentially dispositive of the
15 entire case, and whether that motion can be decided without additional discovery. *See Federal*
16 *Housing Finance Agency v. GR Investments LLC*, Case No. 2:17-cv-03005-JAD-EJY, 2020 WL
17 2798011 at *3 (D. Nev. May 29, 2020) (granting motion to stay discovery pending resolution of
18 potentially dispositive motion for summary judgment); *see also Mintun v. Experian Information*
19 *Solutions, Inc.*, 2:19-cv-00033-JAD-NJK, 2019 WL 2130134 at **1-2 (D. Nev. May 15, 2019)
20 (granting motion to stay discovery pending resolution of potentially dispositive motion to
21 dismiss).

22 12. The Parties agree that Progressive's Motion to Dismiss raises potentially
23 dispositive legal and jurisdictional defenses to Plaintiffs' claims concerning Progressive's auto
24 insurance rates during the COVID pandemic.

25 13. Pending resolution of Progressive's Motion to Dismiss, the Parties agree and
26 stipulate to a stay of discovery including, but not limited to, any discovery obligations set forth
27 in Fed. R. Civ. P. 26 and LR 26-1.

28 14. If the Court denies Progressive's Motion to Dismiss, in whole or in part, the Parties

1 agree to submit a Discovery Plan and Scheduling Order within thirty (30) days after entry of the
2 Court's Order on the Motion.

3 15. The Parties respectfully suggest that good cause exists to enter the stipulated stay
4 of discovery to preserve judicial and party resources and based on application of the factors set
5 forth in paragraph 11, above.

6 16. The Parties represent that this stipulation is sought in good faith, is not interposed
7 for delay, and is not filed for an improper purpose.

8 DATED this 10th day of March, 2022.

DATED this 10th day of March, 2022.

9 **EGLET ADAMS**

10 /s/ Robert T. Eglet, Esq.

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26 **ORDER**

27 Based upon the Parties' stipulation and GOOD CAUSE APPEARING THEREFOR, IT
28 IS SO ORDERED:

29 **IT IS SO ORDERED.**


30 **RICHARD E. BOULWARE, II**
31 **United States District Court**

32 DATED this 10th day of March, 2022.

